

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

**WILLAMETTE BIOMASS
PROCESSORS, INC.**, an Oregon
corporation,

Case No. 3:19-cv-01677-AC

OPINION AND ORDER

Plaintiff

v.

PERDUE AGRIBUSINESS LLC, a
Maryland limited liability company,

Defendant.

MOSMAN, J.,

On April 13, 2020, Magistrate Judge John V. Acosta issued his Findings and Recommendation (“F&R”) [ECF 17], recommending that this court deny Defendant’s Motion to Compel Arbitration [ECF 6]. Defendant objected. [ECF 20]. Plaintiff filed a response. [ECF 21]. Upon review, I agree with Judge Acosta, and I DENY the motion to compel.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Acosta's recommendation and I ADOPT the F&R [17] in full. Defendant's Motion to Compel Arbitration [6] is DENIED.

IT IS SO ORDERED.

DATED this 18th day of May, 2020.

Michael W. Mosman

MICHAEL W. MOSMAN
United States District Judge